

109TH CONGRESS
1ST SESSION

H. R. 1864

To provide for enhanced retirement benefits for administrative law judges.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2005

Mr. WYNN introduced the following bill; which was referred to the Committee
on Government Reform

A BILL

To provide for enhanced retirement benefits for
administrative law judges.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; REFERENCES.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Administrative Law Judges Retirement Act of 2005”.

6 (b) REFERENCES.—Whenever in this Act an amend-
7 ment is expressed in terms of an amendment to a section
8 or other provision, the reference shall be considered to be
9 made to a section or other provision of title 5, United
10 States Code.

1 **SEC. 2. PROVISIONS RELATING TO THE CIVIL SERVICE RE-**
2 **TIREMENT SYSTEM.**

3 (a) DEFINITION.—Section 8331 is amended—

4 (1) in paragraph (28), by striking “and” at the
5 end;

6 (2) in the first paragraph (29), by striking the
7 period and inserting a semicolon;

8 (3) in the second paragraph (29)—

9 (A) by striking “(29)” and inserting
10 “(30)”; and

11 (B) by striking the period and inserting “;
12 and”; and

13 (4) by adding at the end the following:

14 “(31) ‘administrative law judge’ means an ad-
15 ministrative law judge appointed under section 3105
16 or a similar prior provision of law.”.

17 (b) DEDUCTIONS, CONTRIBUTIONS, AND DEPOS-
18 ITS.—Section 8334 is amended—

19 (1) in subsection (a)(1)(A), by striking “or nu-
20 clear materials courier,” and inserting “nuclear ma-
21 terials courier, or administrative law judge,”;

22 (2) in subsection (a)(1)(B)—

23 (A) in the first sentence of clause (i), by
24 striking “clause (ii),” and inserting “clause (ii)
25 or (iii),”; and

1 (B) by adding after clause (ii) the fol-
 2 lowing:

3 “(iii) In the case of an administrative law judge, the
 4 amount to be contributed under this subparagraph shall
 5 (instead of the amount described in clause (i)) be equal
 6 to the amount derived by multiplying the administrative
 7 law judge’s basic pay by the percentage that is 1 percent-
 8 age point less than the percentage applicable under sub-
 9 section (c).”; and

10 (3) in subsection (c), by adding after the item
 11 relating to a nuclear materials courier the following:

“Administrative law judge	5	June 11, 1947, to June 30, 1948.
	6	July 1, 1948, to October 31, 1956.
	6.5	November 1, 1956, to December 31, 1969.
	7	January 1, 1970, to December 31, 1998.
	7.25	January 1, 1999, to December 31, 1999.
	7.4	January 1, 2000, to December 31, 2000.
	7	January 1, 2001, to (but not including) the effective date of the Administrative Law Judges Retirement Act of 2005.
	8	The effective date of the Administrative Law Judges Retirement Act of 2005 and thereafter.”.

12 (c) IMMEDIATE RETIREMENT.—Section 8336 is
 13 amended by adding at the end the following:

1 “(q) An administrative law judge who is separated
 2 from the service after completing 10 years of service as
 3 an administrative law judge and becoming 55 years of age
 4 is entitled to an annuity. An administrative law judge who
 5 is separated from the service voluntarily after completing
 6 10 years of service as an administrative law judge but be-
 7 fore becoming 55 years of age is entitled to a reduced an-
 8 nuity. An administrative law judge is entitled to an annu-
 9 ity if such judge would be entitled to an annuity under
 10 subsection (d) if such subsection were applied by sub-
 11 stituting ‘5’ for ‘25 years of service or after becoming 50
 12 years of age and completing 20’, and the reference to ‘re-
 13 moval for cause on charges of misconduct or delinquency’
 14 in paragraph (1) thereof were considered to refer to a re-
 15 moval under section 1215, 7521, or 7532.”.

16 (d) COMPUTATION OF ANNUITY.—Section 8339 is
 17 amended—

18 (1) in subsection (f), by striking “(r), and (s)”
 19 and inserting “(r), (s), and (v)”;

20 (2) in the first sentence of subsection (h), by
 21 striking “subsections (a), (b), (d)(5), and (f)” and
 22 all that follows through “(h), (j), or (o) of this title”
 23 and inserting “subsections (a), (b), (d)(5), (f), and
 24 (v) for an employee retiring under subsection (d),

1 (h), (j), or (o), or the second sentence of subsection
 2 (q), of section 8336”;

3 (3) in subsection (i), by striking “(r), or (s)”
 4 and inserting “(r), (s), or (v)”;

5 (4) by adding at the end the following:

6 “(v) The annuity of an employee retiring under sec-
 7 tion 8336(q) is computed under such provisions of this
 8 section as would (but for this subsection) otherwise apply,
 9 except that, with respect to such employee’s—

10 “(1) service as an administrative law judge, and

11 “(2) military service not exceeding 5 years,

12 such employee’s annuity is computed by multiplying 2½
 13 percent of such employee’s average pay by the years of
 14 that service.”.

15 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) Sections 8337(a) and 8339(g) are amended by striking
 17 “or (s)” each place it appears and inserting “(s), or (v)”.

18 (2) Subsections (j), (k)(1), (l), and (m) of section
 19 8339, subsections (b)(1) and (d) of section 8341, section
 20 8343a(c), and section 8344(a)(A) are amended by striking
 21 “and (s)” each place it appears and inserting “(s), and
 22 (v)”.

23 (3) Subsections (j)(3) (in the third sentence before
 24 the sentence containing subparagraph (A)), (j)(5)(C)(iii),

1 and (k)(2)(C) of section 8339 are amended by striking
2 “and (r)” and inserting “(r), and (v)”.

3 (4) Section 8335(a) is amended by striking
4 “8331(29)(A)” and inserting “8331(30)(A)”.

5 **SEC. 3. PROVISIONS RELATING TO THE FEDERAL EMPLOY-**
6 **EES’ RETIREMENT SYSTEM.**

7 (a) DEFINITION.—Section 8401 is amended—

8 (1) in paragraph (34), by striking “and” at the
9 end;

10 (2) in paragraph (35), by striking the period
11 and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(36) ‘administrative law judge’ means an ad-
14 ministrative law judge appointed under section 3105
15 or a similar prior provision of law.”.

16 (b) IMMEDIATE RETIREMENT.—Section 8412 is
17 amended by adding at the end the following:

18 “(i) An administrative law judge who is separated
19 from the service after completing 10 years of service as
20 an administrative law judge and becoming 55 years of age
21 is entitled to an annuity.”.

22 (c) EARLY RETIREMENT.—Section 8414 is amended
23 by adding at the end the following:

24 “(e) An administrative law judge who is separated
25 from the service voluntarily after completing 10 years of

1 service as an administrative law judge but before becoming
 2 55 years of age is entitled to a reduced annuity. An admin-
 3 istrative law judge is entitled to an annuity if such judge
 4 would be entitled to an annuity under subsection (b) if
 5 such subsection were applied by substituting ‘5 years of
 6 service’ for ‘25 years of service, or after becoming 50 years
 7 of age and completing 20 years of service,’ and the ref-
 8 erence to ‘removal for cause on charges of misconduct or
 9 delinquency’ in paragraph (1)(A) thereof were considered
 10 to refer to a removal under section 1215, 7521, or 7532.”.

11 (d) COMPUTATION OF ANNUITY.—Section 8415 is
 12 amended—

13 (1) in subsection (h)(2), by striking “or air
 14 traffic controller.” and inserting “air traffic con-
 15 troller, or administrative law judge (with respect to
 16 any service as to which the percentage set forth in
 17 the first sentence of subsection (n) applies).”; and

18 (2) by adding at the end the following:

19 “(n) The annuity of an employee retiring under sec-
 20 tion 8412(i) or 8414(e) is computed under such provisions
 21 of this section as would (but for this subsection) otherwise
 22 apply, except that, with respect to such employee’s—

23 “(1) service as an administrative law judge, and

24 “(2) military service not exceeding 5 years,

1 such employee’s annuity is computed by multiplying $1\frac{7}{10}$
 2 percent of such employee’s average pay by the years of
 3 that service. The annuity computed under this section for
 4 an employee retiring under the first sentence of section
 5 8414(e) is reduced by $\frac{1}{6}$ of 1 percent for each full month
 6 the employee is under 55 years of age at the date of sepa-
 7 ration.”.

8 (e) DEDUCTIONS FROM PAY.—Section 8422(a)(3) is
 9 amended by adding after the item relating to a nuclear
 10 materials courier the following:

“Administrative law judge	7	January 1, 1987, to December 31, 1998.
	7.25	January 1, 1999, to December 31, 1999.
	7.4	January 1, 2000, to December 31, 2000.
	7	January 1, 2001, to (but not including) the effective date of the Administrative Law Judges Retirement Act of 2005.
	8	The effective date of the Administrative Law Judges Retirement Act of 2005 and thereafter.”.

11 (f) GOVERNMENT CONTRIBUTIONS.—Section 8423 is
 12 amended—

13 (1) in subsection (a)(1)(B)(i), by striking “and
 14 employees under sections 302 and 303 of the Cen-
 15 tral Intelligence Agency Retirement Act, multiplied
 16 by” and inserting “employees under sections 302
 17 and 303 of the Central Intelligence Agency Retire-
 18 ment Act, and administrative law judges, multiplied
 19 by”;

1 (2) by amending paragraph (2) of subsection
2 (a) to read as follows:

3 “(2) In determining any normal-cost percentage to
4 be applied under this subsection—

5 “(A) amounts provided for under section 8422
6 shall be taken into account; and

7 “(B) amounts provided by or for administrative
8 law judges under subchapter III of chapter 83 (in-
9 cluding sections 8334 and 8348, and whether pro-
10 vided before, on, or after the effective date of this
11 subparagraph) shall, to the extent they exceed the
12 normal cost of the benefits which are (i) provided for
13 under subchapter III of chapter 83, and (ii) attrib-
14 utable to service performed as an administrative law
15 judge (within the meaning of such subchapter), be
16 taken into account as if they had been provided by
17 or for administrative law judges under this chap-
18 ter.”; and

19 (3) in subsection (a)(3)(A), by inserting “ad-
20 ministrative law judges,” after “military reserve
21 technicians,” each place it appears.

22 **SEC. 4. EFFECTIVE DATE; APPLICABILITY.**

23 (a) **EFFECTIVE DATE.**—This Act and the amend-
24 ments made by this Act shall take effect as of the first

1 day of the first pay period beginning on or after the date
2 of the enactment of this Act.

3 (b) APPLICABILITY.—Nothing in this Act shall be
4 considered to apply with respect to any annuity entitle-
5 ment to which is based on a separation from service occur-
6 ring before the effective date of this Act.

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